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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

1. The Commission considered agenda item 10 and sub-item (a) at its 46th to 55th meetings, from 8 to 10 April, and at its 64th to 67th meetings, from 15 to 16 April 1997. 1/ Item 10 (b) was considered by the Commission in closed session (see paras. ... below).

2. For the documents issued under agenda item 10, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 46th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui (E/CN.4/1997/61 and Add.1);

(b) Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón (E/CN.4/1997/6 and Add.1);

(c) Special Rapporteur on the situation of Burundi, Mr. Paulo Pinheiro (E/CN.4/1997/12 and Add.1).

4. At the 47th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1997/54);

(b) Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1997/59).

5. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'Ndiaye, and the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced a joint report on the situation of human rights in Nigeria (E/CN.4/1997/62).

6. At the 48th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1997/53);

(b) Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn (E/CN.4/1997/5, E/CN.4/1997/8, E/CN.4/1997/9, E/CN.4/1997/56).

7. At the 49th meeting, on 9 April 1997, the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró, introduced his report (E/CN.4/1997/58). At the same meeting, the following special rapporteurs also introduced their reports:

(a) Special Rapporteur on the situation of human rights in Myanmar, Mr. Rajsoomer Lallah (E/CN.4/1997/64);

(b) Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'Ndiaye (E/CN.4/1997/60 and Add.1);

(c) Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne (E/CN.4/1997/63).

8. At the 56th meeting, on 11 April 1997, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1997/57).

9. In the general debate on agenda item 10, statements 2/ were made by the following members of the Commission: Algeria (52nd), Argentina (52nd), Belarus (48th), Bulgaria (52nd), Brazil (53rd), Canada (53rd), Chile (51st), China (48th, 53rd), Colombia (54th), Cuba (48th, 53rd), Egypt (48th), India (53rd), Indonesia (on behalf of the Organization of the Islamic Conference) (53rd) (54th), Japan (51st), Malaysia (53rd), Netherlands (on behalf of the European Union) (48th), Nicaragua (53rd), Pakistan (53rd), Russian Federation (53rd), South Africa (53rd), Sri Lanka (51st), United States of America (52nd), Zaire (47th).

10. The Commission heard statements by the observers for: Afghanistan (47th), Armenia (54th), Australia (54th), Azerbaijan (54th), Bosnia and Herzegovina (48th), Burundi (47th), Croatia (48th), Cyprus (51st), Equatorial Guinea (47th, 51st), Greece (52nd), Iran (Islamic Republic of) (54th), Iraq (51st, 56th), Kuwait (54th), Lebanon (48th), Myanmar (49th, 54th), New Zealand (54th), Nigeria (47th), Norway (51st), Portugal (52nd),

Rwanda (47th), the former Yugoslav Republic of Macedonia (48th), Solomon Islands (51st), Sudan (49th, 54th), Syrian Arab Republic (49th), Venezuela (54th). A statement was also made by the observer for Switzerland (54th).

11. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (54th), African Commission of Health and Human Rights Promoters (52nd), Afro-Asian Peoples' Solidarity Organization (52nd), Aliran Kesedaran Negara-National Consciousness Movement (54th), All China Women's Federation (54th), American Association of Jurists (52nd), Amnesty International (49th), Andean Commission of Jurists (51st), Anglican Consultative Council (51st), Arab Lawyers Union (50th), Arab Organization for Human Rights (52nd), Article XIX: the International Centre against Censorship (50th), Asian Cultural Forum on Development (50th), Association for World Education (54th), Baha'i International Community (50th), Catholic Institute for International Relations (51st), Centre Europe-Tiers Monde (50th), Centro de Estudios Europeos (51st), Christian Democrat International (50th), Christian Solidarity International (50th), Commission for the Defense of Human Rights in Central America (55th), Commission of the Churches on International Affairs of the World Council of Churches (52nd), Federación de Associaciones de Defensa y Promoción de los Derechos Humanos (52nd), France-Libertés: Fondation Danielle Mitterrand (49th), Franciscans International (51st), Freedom House (51st), General Arab Women Federation (51st), Indian Council of Education (51st), International Association against Torture (50th), International Association for Religious Freedom (50th), International Association for the Defense of Religious Liberty (50th), International Association of Democratic Lawyers (55th), International Association of Educators for World Peace (52nd), International Commission of Jurists (50th), International Centre for Human Rights and Democratic Development (50th), International Confederation of Free Trade Unions (50th), International Educational Development, Inc. (50th), International Falcon Movement (54th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (49th), International Federation of ACAT (52nd), International Federation of Free Journalists (49th), International Federation of Human Rights Leagues (51st), International Federation of Journalists (52nd), International Federation of Rural Adult Catholic Movements (52nd),

International Federation Terre des Hommes (50th), International Human Rights Association of American Minorities (51st), International Human Rights Law Group (52nd), International Indian Treaty Council (51st), International Institute for Non-Aligned Studies (54th), International Institute for Peace (54th), International Islamic Federation of Student Organizations (54th), International League for the Rights and Liberation of Peoples (51st), International Peace Bureau (52nd), International PEN (51st), International Progress Organization (54th), Inter-Parliamentary Union (49th), Latin American Federation of Associations of Relatives of Disappeared Detainees (50th), Movimiento Cubano por la Paz y la Soberania de los Pueblos (51st), National Council of German Women's Organization - Federal Union of Women's Organizations (52nd), North South XXI (50th), Pax Christi International (on behalf of the Movement Against Racism and for Friendship Among Peoples) (49th), Pax Romana (50th), Permanent Assembly for Human Rights (51st), Regional Council on Human Rights in Asia (52nd), Reporters without Borders-International (50th), Robert F. Kennedy Memorial (50th), Society for Threatened Peoples (50th), Survival for Tribal Peoples (52nd), Transnational Radical Party (50th), United Towns Agency for North-South Cooperation (54th), War Resisters International (52nd), Women's International Democratic Federation (50th), Women's International League for Peace and Freedom (52nd), World Alliance of Reformed Churches (52nd), World Christian Life Community (51st), World Federation of Democratic Youth (51st), World Muslim Congress (52nd), World Organization against Torture (54th), World Peace Council (50th), World Society of Victimology (51st), Worldview International Foundation (54th).

12. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (48th, 55th), Brazil (55th), China (50th, 55th), Cuba (55th), Egypt (55th), Ethiopia (55th), India (55th), Mexico (51st), Nepal (55th), Nicaragua (55th) and Pakistan (55th), and the observers for Armenia (55th), Azerbaijan (55th), Bahrain (55th), Cyprus (55th), the Democratic People's Republic of Korea (48th), Estonia (55th), Equatorial Guinea (55th), Greece (55th), Iran (Islamic Republic of) (55th), Iraq (51st, 55th), Kenya (55th), Kuwait (55th), Latvia (55th), Nigeria (55th), Papua New Guinea (55th), Peru (55th), Sudan (50th) and Turkey (55th).

Situation of human rights in Nigeria

13. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.40 sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Belgium, Estonia, Japan, Liechtenstein, and the United States of America subsequently joined the sponsors.

14. The representative of Egypt introduced an amendment (E/CN.4/1997/L.109) to draft resolution E/CN.4/1997/L.40. The amendment was sponsored by Algeria, Angola, Benin, Burundi, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Gabon, Ghana, Guinea, the Libyan Arab Jamahiriya, Madagascar, Morocco, Mozambique, Nigeria, Rwanda, Senegal, the Sudan, Togo, the United Republic of Tanzania and Zaire. Congo, Ethiopia, Mali and Tunisia subsequently joined the sponsors.

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution and the proposed amendment.

16. Statements in connection with the draft resolution and the proposed amendment were made by the representative of the Netherlands and the observer for Nigeria.

17. Statements in explanation of vote before the vote were made by the representatives of Algeria, Egypt, Malaysia, Mexico, South Africa and the United States of America.

18. At the request of the representative of the Netherlands a roll-call vote was taken on the proposed amendment (E/CN.4/1997/L.109), which was rejected by 24 votes to 20, with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Benin, Cape Verde, China, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mozambique, Pakistan, Sri Lanka, Uganda, Zaire, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Bhutan, Colombia, Malaysia, Mexico, Nepal, Philippines, Republic of Korea, Russian Federation.

19. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 6, with 19 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Benin, China, Cuba, Gabon, Indonesia, Zaire.

Abstaining: Algeria, Angola, Bangladesh, Bhutan, Cape Verde, Egypt, Ethiopia, Guinea, India, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

20. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/53.

Situation of human rights in the Islamic Republic of Iran

21. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.46 sponsored by Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Canada, Estonia, Japan, Liechtenstein, Romania and Slovakia subsequently joined the sponsors.

22. The draft resolution was orally revised by the representative of the Netherlands by replacing the word "Mehrdad", in operative paragraph 2 (d), with the word "Khordad".

23. A statement in connection with the draft resolution was made by the observer for the Islamic Republic of Iran.

24. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

25. Statements in explanation of vote before the vote were made by the representatives of Bangladesh, Colombia, Pakistan, the Philippines and Indonesia (on behalf of the Organization of the Islamic Conference).

26. At the request of the representatives of Colombia, Pakistan and Indonesia, a roll-call vote was taken on the draft resolution, which was adopted by 26 votes to 7, with 19 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Austria, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cape Verde, Colombia, Egypt, Gabon, Guinea, Madagascar, Mali, Mozambique, Nepal, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

27. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/54.

Situation of human rights in Rwanda

28. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/81 sponsored by Belgium, Egypt (on behalf of the African Group), Germany, Ireland, Italy, the Netherlands and Spain. Argentina, Australia, Austria, Bulgaria, Canada, Denmark, Finland, France, Greece, Israel, Liechtenstein, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

29. Statements in connection with the draft resolution were made by the representatives of Canada, the Netherlands and Zaire and the observer for Rwanda.

30. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/66.

[Situation of human rights in Burundi

.. At the .. meeting, on .. April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.82 sponsored by Egypt (on behalf of the African Group).]

Human Rights situation in southern Lebanon and West Bekaa

31. At the 64th meeting, on 15 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.83 sponsored by Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Oman, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Pakistan subsequently joined the sponsors.

32. The representative of Egypt orally revised the draft resolution as follows:

(a) In the second preambular paragraph, "resolution" was replaced by "resolutions" and the words "and 509 (1982) of 6 June 1982" were added at the end of the paragraph;

(b) In operative paragraph 2, after "1978", the words "and 509 (1982) of 6 June 1982", were inserted.

33. Statements in connection with the draft resolution were made by the observers for Israel and Lebanon.

34. The representative of the United States of America requested that a vote be taken by show of hands. At the request of the representative of Egypt a roll-call vote was taken on the draft resolution, which was adopted by 51 votes to 1, with 1 abstention.

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal,

Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic.

35. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/55.

Assistance to Equatorial Guinea in the field of human rights

36. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced resolution E/CN.4/1997/84/Rev.1 sponsored by Egypt (on behalf of the African Group). The United States of America subsequently joined the sponsors.

37. The draft resolution was orally revised by the representative of Egypt as follows:

(a) In operative paragraph 5, before the word "reform" the words "continue the" were deleted and after "reform", the word "of" was deleted;

(b) In operative paragraph 8 (a), "regulation" was replaced by "regular";

(c) In operative paragraph 8 (c), the words "of judicial decisions" were moved after "security forces";

(d) In operative paragraph 10, after "High Commissioner for Human Rights", the words "/Centre for Human Rights" were added;

(e) In operative paragraph 11, "project" was replaced by "projects".

38. A statement in connection with the draft resolution was made by the observer for Equatorial Guinea.

39. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

40. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/67.

Cooperation with representatives of United Nations human rights bodies

41. At the 64th meeting, on 15 April 1997, the observer for Hungary introduced draft resolution E/CN.4/1997/L.85 sponsored by Argentina, Australia, Austria, Chile, the Czech Republic, Denmark, Haiti, Hungary, Ireland, Italy, Japan, Madagascar, Norway, Romania, Senegal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, Canada, the Netherlands and Uruguay subsequently joined the sponsors.

42. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/56.

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

43. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.88 sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Italy, Latvia, Norway, Poland, the Republic of Korea, Romania, San Marino, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, France, Liechtenstein, Luxembourg, Portugal, New Zealand, Slovakia and Spain subsequently joined the sponsors.

44. The draft resolution was orally revised by the representative of the United States of America as follows:

(a) In operative paragraphs 13 (b) and 28 (b), "Commission of Inquiry" was replaced by "Council of Europe";

(b) In operative paragraph 22 (g), "1996" was replaced by "1997".

45. Statements in connection with the draft resolution were made by the representatives of Indonesia (on behalf of the Organization of the Islamic Conference) and the Russian Federation and the observers for Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.

46. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

47. Statements in explanation of vote before the vote were made by the representatives of the Netherlands and Uruguay.

48. At the request of the representative of the Russian Federation, a roll-call vote was taken on operative paragraphs 18, 29 (d), 29 (f), 29 (g), 29 (h) and 31 together. The Commission decided to retain these paragraphs by 35 votes to none, with 16 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Ireland, Italy, Japan, Malaysia, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Angola, Belarus, Cape Verde, China, Colombia, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Mozambique, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

49. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/57.

Situation of human rights in Zaire

50. At the 65th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.89 sponsored by Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Estonia, Japan, Norway, Poland, Slovakia and Switzerland subsequently joined the sponsors.

51. Statements in connection with the draft resolution were made by the representatives of Algeria, China, Egypt and Zaire.

52. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

53. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/58.

Situation of human rights in the Sudan

54. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.90 sponsored by Australia, Austria, Bulgaria, Canada, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, the Netherlands, Norway, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Belgium, France, Greece, Ireland, Israel, Japan, Liechtenstein and Luxembourg subsequently joined the sponsors.

55. A statement in connection with the draft resolution was made by the observer for the Sudan.

56. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

57. Statements in explanation of vote before the vote were made by the representatives of Algeria and Egypt.

58. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/59.

Situation of human rights in China

59. At the 65th meeting, on 15 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.91 sponsored by Austria, Belgium, Denmark, Finland, Iceland, Ireland, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

"Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

"Taking note of the reports of the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/7), on freedom of opinion and expression (E/CN.4/1997/31), on the independence of judges and lawyers (E/CN.4/1997/32), violence against women (E/CN.4/1997/47), on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60) and on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91), as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary disappearances (E/CN.4/1997/34),

"1. Welcomes

"(a) The readiness of the Government of China to exchange information on human rights issues;

"(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

"(c) China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"2. Expresses its concern

"(a) At continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to the freedoms of assembly, association, expression and religion as well as to due legal process and to a fair trial;

"(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans, including the case of the eleventh Panchen Lama, Gedhun Choekyi Nyima;

"(c) At the persecution and harsh sentences imposed on persons who have peacefully availed themselves of their freedom of assembly, association, expression or religion;

"3. Calls upon the Government of China

"(a) To ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it is a party, and to become party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"(b) To take further measures to improve the impartial administration of justice;

"(c) To release political prisoners;

"(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

"(e) To continue to strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

"(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission on Human Rights and to engage in a dialogue with the High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

"4. Decides to request the High Commissioner on Human Rights to report on the progress of the High Commissioner's dialogue with the Government of China and on the points reflected in the present resolution to the Commission on Human Rights at its fifty-fourth session."

60. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

61. Statements in connection with that motion were made by the representatives of Algeria, Angola, Austria, Bangladesh, Canada, Cuba, the Czech Republic, Denmark, Egypt, El Salvador, France, Germany, Ireland, Italy, Japan, Malaysia, Nepal, the Netherlands, Pakistan, the Republic of Korea, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

62. At the request of the representative of China, a roll-call vote was taken on the motion, which was carried by 27 votes to 17 with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Sri Lanka, Uganda, Ukraine, Zaire, Zimbabwe.

Against: Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Dominican Republic, Ecuador, Mexico, Philippines, Republic of Korea, Russian Federation, Uruguay.

Extrajudicial, summary or arbitary executions

63. At the 66th meeting, on 16 April 1997, the observer for Sweden introduced draft resolution E/CN.4/1997/L.92 sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Bolivia, New Zealand and Venezuela subsequently joined the sponsors.

64. The draft resolution was orally revised by the observer for Sweden as follows:

(a) At the end of the first preambular paragraph, the words "and the relevant provisions of the International Covenant on Civil and Political Rights" were added;

(b) In the second preambular paragraph, the words "the relevant provisions of the International Covenant on Civil and Political Rights and the other conventions, protocols, declarations and resolutions that form" were deleted;

(c) In operative paragraph 7, after "mandate", the words "to collect information from all concerned and" were added, and the words "all concerned, including" were deleted.

65. A statement in explanation of vote before the vote was made by the representative of the Russian Federation.

66. The draft resolution as orally revised was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/61.

Situation of human rights in Cuba

67. At the 66th meeting, on 16 April 1997, the representative of the United States of America introduced draft resolutions E/CN.4/1997/L.94 sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Germany, Honduras, Hungary, Iceland, Israel, Italy, Nicaragua, Romania, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Finland, France, Luxembourg, the Netherlands, Norway, Portugal and Switzerland subsequently joined the sponsors.

68. The draft resolution was orally revised by the representative of the United States of America by replacing " Noting", in the second preambular paragraph, by " Recalling also ".

69. Statements in connection with the draft resolution were made by the representatives of Algeria, China, India and Indonesia.

70. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

71. Statements in explanation of vote before the vote were made by the representatives of Chile and Cuba.

72. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 19 votes to 10, with 24 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Belarus, Bhutan, China, Cuba, India, Indonesia, South Africa, Uganda, Zaire, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Benin, Brazil, Cape Verde, Colombia, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Guinea, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Russian Federation, Sri Lanka, Ukraine.

73. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/62.

Situation of human rights in Iraq

74. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.95 sponsored by Argentina, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Estonia, Japan and Liechtenstein subsequently joined the sponsors.

75. Statements in connection with the draft resolution were made by the representatives of Algeria, Mexico and the Netherlands and the observers for Iraq and Kuwait.

76. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

77. A statement in explanation of vote before the vote was made by the representative of Egypt.

78. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 31 votes to none, with 22 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Guinea, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Algeria, Angola, Bangladesh, Benin, Bhutan, Cape Verde, China, Cuba, Egypt, Gabon, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Uganda, Zimbabwe.

79. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/60.

Situation of human rights in East Timor

80. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.96 sponsored by Angola, Austria, Belgium, Canada, Cape Verde, Denmark, France, Finland, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Mozambique, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Brazil, Bulgaria, the Czech Republic, Estonia, Hungary, Liechtenstein, Slovakia and the United States of America subsequently joined the sponsors.

81. Statements in connection with the draft resolution were made by the representatives of Algeria, Bangladesh, Egypt, India, Indonesia, the Netherlands and Pakistan.

82. Statements in explanation of vote before the vote were made by the representatives of Malaysia, the Philippines and the Republic of Korea.

83. At the request of the representative of Indonesia, a roll-call vote was taken on the draft resolution, which was adopted by 20 votes to 14, with 18 abstentions. The voting was as follows:

In favour: Angola, Austria, Brazil, Bulgaria, Canada, Cape Verde, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Mozambique, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

Abstaining: Algeria, Argentina, Belarus, Benin, Chile, Colombia, Ethiopia, Gabon, Guinea, Japan, Mali, Mexico, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Zaire.

84. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/63.

Situation of human rights in Myanmar

85. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.97 sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Estonia, Malta and the United States of America subsequently joined the sponsors.

86. A statement in connection with the draft resolution was made by the observer for Myanmar.

87. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

88. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/64.

Situation of human rights in Afghanistan

89. At the 67th meeting, on 16 April 1997, the Chairman submitted draft resolution E/CN.4/1997/L.110 on the situation of human rights in Afghanistan.

90. The draft resolution was orally revised by the Chairman as follows:

(a) After the fifth preambular paragraph, two new preambular paragraphs were inserted;

(b) In the former sixth preambular paragraph, " Recalling " was replaced by "Noting";

(c) At the end of the former eighth preambular paragraph, the words "throughout the country" were deleted;

(d) In operative paragraph 2, after "Afghanistan, which" the words "in some cases" were deleted and before the words "the return", the words "to permit" were deleted.

91. A statement in connection with the draft resolution was made by the representative of Pakistan.

92. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

93. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/65.

(a) Question of human rights in Cyprus

94. At the 67th meeting, on 16 April 1997, the Chairman submitted a draft decision on the question of human rights in Cyprus. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

95. The Commission considered item 10 (b) in closed meetings at its 40th to 42nd meetings, on 4 April 1997, and 44th meeting, on 7 April 1997. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Antigua and Barbuda, Botswana, Chad, the Czech Republic, Estonia, the Gambia, Kyrgyzstan, Latvia, Lebanon, Lithuania, Saudi Arabia, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan, as publicly announced by the Chairman. The Chairman also announced that the

Commission had decided to discontinue consideration of the human rights situations in Antigua and Barbuda, Botswana, the Czech Republic, Estonia, Latvia, Lebanon, Lithuania, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan.

96. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

97. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations to meet prior to the fifty-fourth session of the Commission in 1998.

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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-11634 (E)

XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

1. The Commission considered agenda item 11 concurrently with items 17 and 19 (see chaps. XVII and XIX) at its 19th to 23rd meetings, from 21 to 25 March, and at its 37th meeting, on 3 April 1997. 1/

2. For the documents issued under agenda item 11, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission see annex ... to the present report.

3. In the general debate on agenda item 11, statements 2/ were made by the following members of the Commission: Angola (21st), Bangladesh (22nd), Chile (22nd), Egypt (22nd), El Salvador (21st), Mexico (19th), Pakistan (22nd), Philippines (21st).

4. The Commission heard statements by the observers for: Iran (Islamic Republic of) (22nd), Morocco (20th), Turkey (22nd).

5. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (21st), Commission of the Churches on International Affairs of the World Council of Churches (21st), Human Rights Advocates (19th), International Confederation of Free Trade Unions (21st), Movement against Racism and for Friendship among Peoples (21st), Women's International League for Peace and Freedom (23rd).

6. At its 37th meeting, on 3 April 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

Violence against women migrant workers

7. The representative of the Philippines introduced draft resolution E/CN.4/1997/L.14, sponsored by Chile, El Salvador, Indonesia, Iraq, the Marshall Islands, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, South Africa and Sri Lanka. Bangladesh, Belgium, Cape Verde, Madagascar, Nepal, Portugal and the Republic of Korea subsequently joined the sponsors.

8. The draft resolution was adopted without a vote.

9. A statement in explanation of vote after the vote was made by the representative of the United States of America.

10. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/13.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

11. The representative of Mexico introduced draft resolution E/CN.4/1997/L.29, sponsored by Cape Verde, Chile, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Paraguay, the Philippines, Sri Lanka, Tunisia and Turkey. Bangladesh, Madagascar, Peru and Portugal subsequently joined the sponsors.

12. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/14.

Migrants and human rights

13. The representative of Mexico introduced draft resolution E/CN.4/1997/L.30, sponsored by Algeria, Bangladesh, Benin, Bolivia, Brazil, Cameroon, Cape Verde, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, the Philippines, Senegal, Sri Lanka, Tunisia, Turkey, Uganda, Uruguay, Yemen, Zaire and Zimbabwe. Angola, Argentina, Ireland and Portugal subsequently joined the sponsors.

14. The draft resolution was orally revised by the representative of Mexico as follows:

(a) A new second and third preambular paragraph replaced the second preambular paragraph which read as follows:

"Affirming that every State must ensure the rights recognized in the International Covenant on Civil and Political Rights, take steps to realize the rights recognized in the International Covenant on Economic, Social and Cultural Rights and protect the human rights recognized in other applicable international instruments, for all individuals within its territory and subject to its jurisdiction,"

(b) A new text replaced operative paragraph 1, which read as follows:

"1. Acknowledges that the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,

the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, apply to everyone, including migrants, regardless of their legal situation",

(c) A new text replaced operative paragraph 2, which read as follows:

"2. Requests States, in conformity with the respective constitutional systems and international instruments, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments, effectively to promote and protect the fundamental human rights of all migrants",

(d) In operative paragraph 3, after the word "establish", the words "within the approved overall budget level for the current biennium" were inserted;

(e) A new subparagraph replaced subparagraph (a) of operative paragraph 7, which read as follows:

"(a) Study the existing obstacles to the effective and full protection of the human rights of all migrants",

(f) A new subparagraph replaced former subparagraph (b) of operative paragraph 7, which read as follows:

"(b) Elaborate minimum standards and policy guidelines to ensure the effective and full protection of the human rights of all migrants",

(g) Subparagraph (c) of operative paragraph 7, which read as follows, was deleted:

"(c) Recommend any further measures it deems appropriate for the protection of the rights of all migrants and to promote mutual understanding between and among migrants and societies in which they find themselves".

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

16. A statement in connection with the draft resolution, as orally revised, was made by the representative of Malaysia.

17. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/15.

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DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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XII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-12393 (E)

XII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

1. The Commission considered agenda item 12 at its 63rd meeting, on 15 April, and at its 67th meeting, on 16 April 1997. 1/

2. For the documents issued under agenda item 12, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 63rd meeting, on 15 April 1997, in the general debate on agenda item 12, the Commission heard statements by the observers for Iraq and the United Nations Educational, Scientific and Cultural Organization.

4. At its 67th meeting, on 16 April 1997, the Commission took up consideration of the draft resolutions and decisions submitted under item 12.

Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

5. The representative of France introduced draft decision E/CN.4/1997/L.103, which was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Human rights and bioethics

6. The representative of France introduced draft resolution E/CN.4/1997/L.106 sponsored by Afghanistan, Angola, Argentina, Belgium, France, Georgia, Italy, Madagascar, Poland, the Republic of Korea, Romania, Spain and San Marino. Greece and India subsequently joined the sponsors.

7. The draft resolution was orally revised by the representative of France as follows:

(a) Operative paragraph 4 was moved to become the new fifteenth preambular paragraph and the words "Takes note" were replaced by "Taking note also";

(b) In operative paragraph 5, the words "including his identity and unity together with his dignity" were replaced by "and his dignity as well as his identity and unity";

8. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/71.

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Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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XIII. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XIII. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

1. The Commission considered agenda item 13 at its 9th to 11th meetings, from 14 to 17 March, at its 68th and 70th meetings, on 18 April 1997. 1/

2. For the documents issued under agenda item 13, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, see annex ... to the present report.

3. At its 11th meeting, on 17 March 1997, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, Mr. Glèlè-Ahanhanzo, introduced his reports (E/CN.4/1996/72/Add.2-4 and E/CN.4/1997/71/Add.1-2).

4. In the general debate on agenda item 13, statements 2/ were made by the following members of the Commission: Algeria (11th), Argentina (9th), Brazil (10th), China (9th), Cuba (10th), Egypt (9th), India (11th), Indonesia (11th), Nepal (9th), Netherlands (on behalf of the European Union) (9th), Pakistan (10th), Russian Federation (11th), South Africa (11th), Uganda (11th), United States of America (11th), Zimbabwe (11th).

5. The Commission heard statements by the observers for: Cyprus (11th), Iran (Islamic Republic of) (11th), Israel (11th), Libyan Arab Jamahiriya (11th), Senegal (10th), Syrian Arab Republic (11th), Turkey (11th).

6. A statement was also made by the observer for the International Labour Organization (9th).

7. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (10th), Afro-Asian Solidarity Organization (10th), Centre Europe-Tiers Monde (11th), Christian Solidarity International (9th), Himalayan Research and Cultural Foundation (11th), Human Rights Advocates (10th), International Association of Educators for World Peace (11th), International Federation of Human Rights Leagues (11th), International League for the Rights and Liberation of Peoples (10th), International Movement against All Forms of Discrimination and Racism (9th), International Youth and Student Movement for the United Nations (11th), Minority Rights Group (11th), Movement against Racism

and for Friendship among Peoples (10th), Women's International League for Peace and Freedom (10th), World Federation of United Nations Associations (10th).

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

8. At its 68th meeting, on 18 April 1997, the Commission decided to consider together draft resolutions E/CN.4/1997/L.9/Rev.1 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance and E/CN.4/1997/L.12/Rev.1 on racism, racial discrimination, xenophobia and related intolerance.

9. The Observer for Turkey introduced draft resolution E/CN.4/1997/L.9/Rev.1, sponsored by Azerbaijan, Canada, Turkey, the United States of America and Uruguay. Bosnia and Herzegovina, Chile, the Dominican Republic, Israel and Norway subsequently joined the sponsors.

10. The Observer for Turkey orally revised the draft resolution as follows:

(a) At the end of the eighth preambular paragraph, the words "that under international law, racism is not an opinion but an offence," were deleted;

(b) In operative paragraph 1, after the words "Takes note" the words "with interest" were deleted;

(c) In operative paragraph 2, the word "full" before "support" was deleted;

(d) In operative paragraph 18, the word "necessary" before "assistance" was replaced by "appropriate".

11. At the same meeting, the amendments to draft resolution E/CN.4/1997/L.9/Rev.1, proposed by the delegation of Cuba (E/CN.4/1997/L.113) were withdrawn. The proposed amendments read as follows:

"1. After operative paragraph 4, insert the following new operative paragraph:

Also expresses its profound concern at and unequivocal condemnation of propaganda, activities and organizations based on doctrines of superiority of one race or group of persons, of one colour or belief-system which attempt to justify or promote racism and racial discrimination in any form;

"2. After operative paragraph 18, insert the following new operative paragraph:

Recommends to the General Assembly, through the Economic and Social Council, that the world conference on racism and racial discrimination, xenophobia and related intolerance to be convened not later than the year 2001;".

12. At the same meeting, the representative of Egypt introduced draft resolution E/CN.4/1997/L.12/Rev.1, sponsored by China, Cuba, Egypt (on behalf of the African Group), India, Indonesia, Nicaragua and Sri Lanka. Brazil, Chile, El Salvador, Indonesia, Sri Lanka and Turkey subsequently joined the sponsors.

13. The representative of Egypt orally revised the draft resolution as follows:

(a) The thirteenth preambular paragraph which read:

"Noting the conclusion contained in the final report of the Special Rapporteurs on freedom of opinion and expression of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/9) that, under international law, racism is not an opinion but an offence,"

was deleted;

(b) Operative paragraph 11 which read:

"Also takes note of the conclusion of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/9) that, under international law, racism is not an opinion but an offence,"

was deleted, the subsequent paragraphs being renumbered accordingly;

(c) In former operative paragraph 14, the words "United Nations" were replaced by "General Assembly"; after "consider", the words "all ways and means of" were added; and after "Programme of Action" the words "through other means" were deleted;

(d) At the end of former operative paragraph 15, after "Programme of Action for the Third Decade", the words "to Combat Racism and Racial Discrimination" were added, and the words "and requests the General Assembly to consider, in taking its decision on the programme budget for the 1998-1999 biennium, ensuring that the financial and personnel resources

required for the implementation of the Programme of Action are adequately met, taking into account the above-mentioned report", were replaced by a new text;

(e) In former operative paragraph 22, "especially with regard to" was replaced by "with particular reference to";

(f) In former operative paragraph 26, after "Takes note", the words "with interest" were deleted;

(g) Former operative paragraph 43 was moved to become new operative paragraph 50;

(h) In former operative paragraph 44, a new subparagraph (a) was inserted, the subsequent subparagraphs being renumbered accordingly;

(i) In former operative paragraph 44 (a), before "instruments", the words "the implementation of the existing" was inserted, and the words "dealing with the fight against" were replaced by "to combat";

(j) In former operative paragraph 44 (b), after "awareness", the word "of" was replaced by "about";

(k) In former operative paragraph 44 (c), "fighting" was replaced by "combating", and the words "racism and racial discrimination" were replaced by "racism, racial discrimination, xenophobia and related intolerance";

(l) Former operative paragraph 44 (d) was moved to the end of the same paragraph; the words "racism and racial discrimination" were replaced by "racism, racial discrimination, xenophobia and related intolerance";

(m) In former operative paragraph 44 (e), "study" was replaced by "review"; after "social" the word "and" was deleted; and after "cultural" the words "and any other" were inserted;

(n) After former operative paragraph 45, a new operative paragraph was inserted (new operative paragraph 44), the subsequent paragraphs being renumbered accordingly;

(o) In former operative paragraph 49 (a), the words "to establish national or regional committees to prepare" were replaced by "to hold national or regional meetings or to take other initiatives in preparation";

(p) Former operative paragraph 49 (b) which read:

> "To request these national or regional committees to notify the Secretary-General of their establishment with a view to holding national or regional meetings no later than the year 1999;"

was deleted and subparagraph (c) renumbered (b).

14. Statements in connection with draft resolutions E/CN.4/1997/L.9/Rev.1 and E/CN.4/1997/L.12/Rev.1 were made by the representatives of Algeria, Bangladesh, Brazil, Canada (on behalf of Japan, Liechtenstein, Norway and Switzerland), Cuba, Egypt, India, Indonesia (on behalf of the Organization of the Islamic Conference) and Pakistan.

15. In accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of both draft resolutions. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1997/L.12/Rev.1 was issued in document E/CN.4/1997/L.115.

16. In connection with draft resolution E/CN.4/1997/L.9/Rev.1, as orally revised, statements in explanation of vote before the vote were made by the representatives of the United States of America and Uruguay.

17. In connection with draft resolution E/CN.4/1997/L.12/Rev.1, as orally revised, statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

18. Draft resolution E/CN.4/1997/L.9/Rev.1, as orally revised, and E/CN.4/1997/L.12/Rev.1, as orally revised, were adopted without a vote. For the text of the resolutions as adopted, see chapter II, section A, resolution 1997/73 and resolution 1997/74.

19. At its 70th meeting, on 18 April 1997, following a proposal made at the 68th meeting by the representative of Indonesia (on behalf of the Organization of the Islamic Conference), the Chairman orally proposed a draft decision concerning the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

20. Statements in connection with the proposal were made by the representatives of Algeria, Bangladesh, Bulgaria, Egypt, Germany, the Netherlands and Pakistan.

21. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/125.

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Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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XIV. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XIV. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

1. The Commission considered agenda item 14 concurrently with item 15 (see chap. XV) at its 12th to 13th meetings, on 18 March, and at its 36th and 37th meetings, on 3 April 1997. 1/

2. For the documents issued under agenda item 14, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. In the general debate on agenda item 14, statements 2/ were made by the following members of the Commission: Belarus (13th), Brazil (13th), China (12th), India (13th), Ireland (13th), Italy (12th), Nepal (12th), Philippines (12th), Russian Federation (13th), Uruguay (12th).

4. The Commission heard statements by the observers for Norway (13th), Slovakia (12th), Spain (13th).

5. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (12th), Amnesty International (12th), Himalayan Research and Cultural Foundation (13th), Indian Council of Education (12th), International Commission of Jurists (12th), International Educational Development, Inc. (12th), International Organization for the Development of Freedom of Education (12th), Transnational Radical Party (12th), Women's International League for Peace and Freedom (12th), World University Service (12th).

Status of the International Covenants on Human Rights

6. At the 36th meeting, on 3 April 1997, the observer for Norway introduced draft decision E/CN.4/1997/L.18, entitled "Status of the International Covenants on Human Rights", sponsored by Norway. Denmark, Equatorial Guinea, Finland, Romania, Ukraine and Venezuela subsequently joined the sponsor.

7. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/...

Question of the death penalty

8. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1997/L.20, sponsored by Angola, Australia, Austria, Belgium, Bolivia, Brazil, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, the Marshall Islands, Nepal,

the Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Portugal, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uruguay and Venezuela. Chile and Lithuania subsequently joined the sponsors. Angola, Nepal and Papua New Guinea subsequently withdrew as sponsors.

9. At the same meeting, the representative of Malaysia introduced amendments proposed to draft resolution E/CN.4/1997/L.20 contained in document E/CN.4/1997/L.35, sponsored by Bangladesh, Egypt, Indonesia, Iran (Islamic Republic of), the Lybian Arab Jamahiriya, Malaysia, Nigeria, Papua New Guinea, Republic of Korea, Saudi Arabia, Singapore, Thailand and the United Arab Emirates. Bhutan, Brunei Darussalam, Pakistan and the Syrian Arab Republic subsequently joined the sponsors.

10. Statements in connection with the proposed amendments contained in document E/CN.4/1997/L.35 were made by the representatives of Brazil and Italy.

11. In connection with draft resolution E/CN.4/1997/L.20 and the proposed amendments contained in document E/CN.4/1997/L.35, statements in explanation of vote before the vote were made by the representatives of Algeria, Brazil, Canada, Colombia and India.

12. In connection with draft resolution E/CN.4/1997/L.20, statements in explanation of vote before the vote were made by the representatives of Bangladesh, Egypt, Japan, Nepal, the Republic of Korea and the United States of America.

13. In connection with the draft amendments contained in document E/CN.4/1997/L.35, statements in explanation of vote before the vote were made by the representatives of Chile, China, Denmark and Ireland.

14. At the 37th meeting, on 3 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.20 and the proposed amendments to the draft contained in document E/CN.4/1997/L.35.

15. At that meeting, in connection with draft resolution E/CN.4/1997/L.20, a statement in explanation of vote before the vote was made by the representative of Malaysia.

16. At the request of the representative of Malaysia, roll-call votes were taken on each of the seven paragraphs contained in document E/CN.4/1997/L.35.

17. Paragraph 1 of document E/CN.4/1997/L.35 was rejected by 17 votes to 24, with 11 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Zaire.

18. Paragraph 2 of document E/CN.4/1997/L.35 was rejected by 19 votes to 27, with 5 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Benin, Bhutan, China, Cuba, Egypt, Guinea, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: El Salvador, Ethiopia, Gabon, Madagascar, Zaire.

19. Paragraph 3 of document E/CN.4/1997/L.35 was rejected by 17 votes to 23, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Bulgaria, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Mexico, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

20. Paragraph 4 of document E/CN.4/1997/L.35 was rejected by 15 votes to 27, with 10 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

21. Paragraph 5 of document E/CN.4/1997/L.35 was rejected by 14 votes to 26, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

22. Paragraph 6 of document E/CN.4/1997/L.35 was rejected by 13 votes to 25, with 14 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Mozambique, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

23. Paragraph 7 of document E/CN.4/1997/L.35 was rejected by 13 votes to 27, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

24. At the request of the representative of Malaysia, a roll-call vote was taken on draft resolution E/CN.4/1997/L.20, which was adopted by 27 votes to 11, with 14 abstentions. The voting was as follows:

In favour: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Against: Algeria, Bangladesh, Bhutan, China, Egypt, Indonesia, Japan, Malaysia, Pakistan, Republic of Korea, United States of America.

Abstaining: Benin, Cuba, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Philippines, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, Zaire, Zimbabwe.

25. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/12.

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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XV. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

1. The Commission considered agenda item 15 concurrently with item 14 (see chap. XIV) at its 12th to 13th meetings, on 18 March, and at its 37th meeting, on 3 April 1997. 1/

2. For the documents issued under agenda item 15, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission, see annex ... to the present report.

3. At the 12th meeting, statements were made by Mr. Philip Alston, Chairman of the Committee on Economic, Social and Cultural Rights, and Ms. Ivanka Corti, Chairperson of the seventh meeting of persons chairing the human rights treaty bodies.

4. In the general debate on agenda item 15, statements 2/ were made by the following members of the Commission: Belarus (13th), Brazil (13th), China (12th), India (13th), Indonesia (13th), Philippines (12th), Republic of Korea (13th), Russian Federation (13th).

5. The Commission heard statements by the observers for Norway (13th), Romania (13th), Slovakia (12th).

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

6. At the 37th meeting, on 3 April 1997, the representative of Canada introduced draft decision E/CN.4/1997/L.17 sponsored by Canada. India, the Republic of Korea, Romania, Ukraine and Uruguay subsequently joined the sponsor.

7. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/...

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XVI. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XVI. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

1. The Commission considered agenda item 16 at its 20th meeting on 24 March, at its 23rd and 24th meetings, on 25 March, and at its 56th meeting, on 11 April 1997. 1/

2. For the documents issued under agenda item 16, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission, see annex ... to the present report.

3. At the 20th meeting, on 24 March 1997, the Chairman of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Mr. Swami Agnivesh made a statement.

4. At the 23rd meeting, on 25 March 1997, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session, Mr. Asbjørn Eide, introduced his report (E/CN.4/1997/79).

5. In the general debate on agenda item 16, statements 2/ were made by the following members of the Commission: Bangladesh (24th), Brazil (24th), China (24th), Denmark (24th), Germany (24th), India (24th), Ireland (24th), Mexico (24th), Pakistan (24th), the Philippines (24th), Ukraine (24th), United States of America (24th).

6. The Commission heard statements by the observers for: Denmark (24th), Norway (on behalf of the Nordic countries) (24th), Poland (24th), Slovenia (on behalf of the Czech Republic, Poland and Slovakia) (23rd). A statement was also made by the observer for Switzerland (24th).

7. Statements were also made by the observers for the International Organization for Migration (23rd), the International Committee of the Red Cross (24th) and the United Nations Children's Fund (24th).

8. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (24th), Asian Cultural Forum on Development (24th), Indian Law Resource Centre (24th), International Association of Educators for World Peace (23rd), International Educational Development, Inc. (23rd), International Indian Treaty Council (24th), International League for Human

Rights (24th), International Progress Organization (24th), Transnational Radical Party (24th), United Towns Agency for North-South Cooperation (24th), Women's International Democratic Federation (24th), Women's International League for Peace and Freedom (24th).

9. Statements in exercise of the right of reply or its equivalent were made by the observer for Mauritania (24th).

10. At the 56th meeting, on 11 April 1997, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 16.

Traffic in women and girls

11. The representative of the Philippines introduced draft resolution E/CN.4/1997/L.34, sponsored by Bhutan, Cyprus, El Salvador, Greece, Honduras, Indonesia, Iraq, Malaysia, the Marshall Islands, Mexico, Morocco, Myanmar, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, South Africa, Sri Lanka, Thailand and Viet Nam. Argentina, Bangladesh, Belgium, Chile, Colombia, the Czech Republic, the Dominican Republic, Egypt, France, Germany, Ireland, Madagascar, Portugal, the Republic of Korea, Togo, Uganda and Uruguay subsequently joined the sponsors. Thailand subsequently withdrew as a sponsor.

12. The draft resolution was orally revised by the representative of the Philippines as follows:

(a) Operative paragraph 4 which read: "Invites Governments to accord standard minimum humanitarian treatment of trafficked persons, consistent with human rights standards and, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;" was replaced by new operative paragraphs 4 and 5, the subsequent paragraphs being renumbered accordingly;

(b) Operative paragraph 6 which read: "Invites the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography, in addressing the obstacles to the realization of the human rights of women, to include traffic in women and girls among their priority concerns;" was replaced by a new text.

13. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/19.

Human rights of persons with disabilities

14. The representative of Ireland introduced draft decision E/CN.4/1997/L.39, sponsored by Ireland. The Czech Republic, the Philippines and Venezuela subsequently joined the sponsor.

15. A statement in connection with the draft decision was made by the representative of the Netherlands.

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

17. The draft decision was adopted without a vote. Statements in explanation of vote after the vote were made by the representatives of Ireland and the United Kingdom of Great Britain and Northern Ireland.

18. For the text of the decision as adopted, see chapter II, section B, decision 1997/...

Contemporary forms of slavery

19. The representative of the Netherlands introduced draft resolution E/CN.4/1997/L.41, sponsored by Cuba and the Netherlands. Canada, Colombia, the Czech Republic, Madagascar, Norway, the Philippines, Poland and the Republic of Korea subsequently joined the sponsors.

20. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/20.

Minimum humanitarian standards

21. The observer for Norway introduced draft resolution E/CN.4/1997/L.42, sponsored by Argentina, Canada, Chile, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, Germany, Hungary, Iceland, Italy, Madagascar, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Sweden, Switzerland and Uruguay. Ireland, Israel, Liechtenstein and Ukraine subsequently joined the sponsors.

22. Statements in connection with the draft resolution were made by the representatives of Cuba and India.

23. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/21.

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

24. The representative of Germany introduced draft resolution E/CN.4/1997/L.43, sponsored by Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Honduras, India, Ireland, Italy, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Portugal, Romania, Slovakia, Slovenia, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Argentina, Equatorial Guinea, Hungary, Japan, Liechtenstein, Luxembourg, Madagascar, New Zealand, Peru, Poland, Sweden, the Republic of Korea, the Russian Federation and the United States of America subsequently joined the sponsors.

25. The representative of Germany orally revised the draft resolution as follows:

(a) In operative paragraph 3 (b), the words "unless, in" were replaced by "and furthermore limit action to";

(b) In the same paragraph, after "exceptional cases", the words "in which" were inserted;

(c) In operative paragraph 3 (d), after "impartiality of", the word "the" was added;

(d) In the same paragraph, after "Sub-Commission" the word "members" was deleted;

(e) At the end of the same paragraph, the words "State of which a member of the Sub-Commission is a national" was replaced by the words "specific country".

26. A statement in connection with the draft resolution was made by the representative of Cuba.

27. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/22.

Traditional practices affecting the health of women and children

28. The Commission considered draft decision 2, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

29. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

30. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/...